



PATENT
Attorney Docket No. 101.0056-09000
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Ex of Time (3)
w/ Election
J. Byer
9/18/01*

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: 09/754,733)
Filed: January 4, 2001)
For: ANTERIOR CERVICAL PLATING)
SYSTEM, INSTRUMENTATION, AND)
METHOD OF INSTALLATION)

Group Art Unit: 3731

Examiner: D. Reip

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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TC 3700 MAIL ROOM

REPLY TO RESTRICTION REQUIREMENT

In a restriction requirement dated May 7, 2001, the Examiner indicated that the application contains claims directed to patentably distinct species of the cervical plate of the claimed invention. In reply to the restriction requirement under 35 U.S.C. § 121, applicant provisionally elects to prosecute Species 1: Figure 1, Plate character reference number 2 as identified by the Examiner in the Office Action. Applicant submits that claims 1-35, 38-75, and 77-101 are directed to elected Species 1.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: September 7, 2001

By: 

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